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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/110,615	07/06/1998	BERTHOLD EIBERGER	PHD97.095	4901

7590 01/22/2002

Corporate Patent Counsel
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EXAMINER

WONG, ALLEN C

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 01/22/2002

145

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/110,615

Applicant(s)

EIBERGER, BERTHOLD

Examiner

Allen Wong

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Prosecution Application

The request filed on 8/2/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/110,615 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Arguments

Applicant's arguments filed 8/2/01 have been fully read and considered but they are not persuasive.

With regards to page 5, lines 2-8 of applicant's remarks, applicant asserts that Poetsch does not show what is suggested in the Office Action, the modification of sprocket hole detection to permit the scanning of sprocket holes from beginning to the end. The applicant questions the examiner's contention that the modification is improper and non-obvious. The examiner respectfully disagrees. The examiner has already stated that Poetsch teaches the sprocket hole detection from left and leading edges (col.4, lines 11-12) and that it is the examiner's contention that based on the Poetsch's column 6, lines 64-67, Poetsch teaches that various methods of scanning are also applicable to scanning other positioning reference features on film. The scanning of sprocket holes from the beginning to the end of the sprocket holes is one of the many ways of scanning other positioning reference features on film. Therefore, one of ordinary skill in the art would obviously implement and adjust the second scanning device to scan in any desired direction necessary to achieve the objective so as to make sure the film is in proper, steady alignment in order to ensure high image quality.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poetsch (4,875,102).

Regarding claim 1, Poetsch discloses a film scanner comprising:

a first scanning device (see fig.5 and col.5, lines 50-68; note scanning device 14 scans cinematographic film frames) for scanning frames of a cinematographic film by means of photoelectric transducers, and

a second scanning device (see fig.5 and col.6, lines 1-3; note scanning device 8 scans sprocket holes) for scanning the sprocket holes.

Poetsch does not appear to mention the limitation of wherein the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges. However, Poetsch teaches the scanning of sprocket holes by using a laser (see fig.11) which is known for having variable high frequencies such as infrared light, etc. Therefore, one of ordinary skill in the art would obviously recognize and acknowledge that the first light source, used for scanning frames, is maximally, spectrally different from the second light source, used for scanning sprocket holes, because the spectral range for a laser is much different from the light source (ie. white light) used for scanning frames.

Although Poetsch teaches the sprocket hole detection from left and leading edges (col.4, lines 11-12), Poetsch suggests that there are various methods for scanning "other positioning reference features" (col.6, lines 64-67). Poetsch uses the sprocket hole detection from left and leading edges, as mentioned in col.4, lines 11-12, as an "example" for detecting sprocket holes. It is only one of many sprocket hole scanning embodiments. One of ordinary skill can easily manipulate and configure the second scanning device to scan in any desired direction needed to accomplish the task, including the configuration of the second scanning device for detecting both the beginning and end of sprocket holes. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the direction of scanning sprocket holes is an obvious feature because Poetsch suggests variations in scanning methods and embodiments for accomplishing the scanning of sprocket holes from beginning to the end.

Note claim 10 has similar corresponding elements

Regarding claim 6, Poetsch discloses a scanning device for scanning sprocket holes comprising a light source (fig.11, element 90) to generate light and at least one scanning sensor (fig.11, element 81). Although Poetsch does not appear to mention the use of an infrared light source and an infrared light sensor, it is clearly obvious to one of ordinary skill to use an infrared laser light source and an infrared light sensor for scanning sprocket holes so as to ensure the picture's steadiness and maintain high picture quality.

Note claim 16 has similar corresponding elements.

As for claims 2-5, 7-9, 11-15, 17 and 18, Poetsch further discloses an optical filter (see figs.6-16; note the optical setup) and a laser light source (fig.11, element 90) and a scanning sensor (fig.11, element 81). Although Poetsch does not appear to mention a common light source, it is obvious to have a common light source for illuminating the film. Also, Poetsch does not appear to disclose the use of separate light sources. However, it would have been obvious to one of ordinary skilled to use separate light sources for preventing the overlapping of light sources for preserving picture quality and prevent the film from being ruined. And to one of ordinary skill in the art, it is well known for cameras to have telecentric imaging optics since optical elements are effective depending on the position of the optical elements.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poetsch (4,875,102) in view of Tanaka (3,867,030).

With regards to claim 19, Poetsch discloses a film scanner comprising:

a first scanning device (see fig.5 and col.5, lines 50-68; note scanning device 14 scans cinematographic film frames) for scanning frames of a cinematographic film by means of photoelectric transducers; and

a second scanning device for scanning sprocket holes and areas around sprocket holes (see fig.5 and col.6, lines 1-3; note scanning device 8 scans sprocket holes).

Poetsch does not appear to mention the limitation of wherein the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges. However, Poetsch teaches the scanning of sprocket holes by using a laser

(see fig.11) which is known for having variable high frequencies such as infrared light, etc. Therefore, one of ordinary skill in the art would obviously recognize and acknowledge that the first light source, used for scanning frames, is maximally, spectrally different from the second light source, used for scanning sprocket holes, because the spectral range for a laser is much different from the light source (ie. white light) used for scanning frames.

Although Poetsch teaches the sprocket hole detection from left and leading edges (col.4, lines 11-12), Poetsch suggests that there are various methods for scanning "other positioning reference features" (col.6, lines 64-67). Poetsch uses the sprocket hole detection from left and leading edges, as mentioned in col.4, lines 11-12, as an "example" for detecting sprocket holes. It is only one of many sprocket hole scanning embodiments. One of ordinary skilled can easily manipulate and configure the second scanning device to scan in any desired direction needed to accomplish the task, including the configuration of the second scanning device for detecting both the beginning and end of sprocket holes. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the direction of scanning sprocket holes is an obvious feature because Poetsch suggests variations in scanning methods and embodiments for accomplishing the scanning of sprocket holes from beginning to the end.

Poetsch does not teach the limitation of "wherein the second scanning device is configured to detect a change in density of the cinematographic film surrounding the sprocket holes". However, Tanaka teaches the use of a detecting means for detecting

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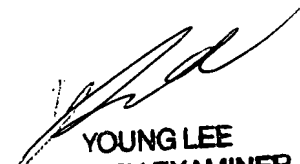
the density change on film. Therefore, it would have been obvious to one of ordinary skill in the art to apply Tanaka's teachings into the system of Poetsch for detecting various levels of film density changes so as to determine where the edge of the film in order to cease film transport. The detection of the film's density changes is vital in determining the film's proper alignment so that picture steadiness and clarity can be maintained.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



YOUNG LEE
PRIMARY EXAMINER

AW
November 28, 2001